

STATE OF HAWAII - DEPARTMENT OF TAXATION
INSTRUCTIONS FOR FORM N-348
CAPITAL INFRASTRUCTURE TAX CREDIT

GENERAL INSTRUCTIONS

Note: If you are claiming the Ethanol Facility Tax Credit, no other credit can be claimed for the same taxable year.

Act 200, Session Laws of Hawaii 2014 (Act 200), establishes a capital infrastructure tax credit to help tenants who are displaced by the Kapalama container terminal project, effective for taxable years beginning after December 31, 2013. The credit will not be available for taxable years beginning after December 31, 2019.

The tax credit is the lesser of 50% of the capital infrastructure costs paid or incurred by a qualified infrastructure tenant during the taxable year or \$1,250,000.

The tax credit allowed shall be claimed against the net income tax liability for the taxable year. A tax credit that exceeds the taxpayer's income tax liability may be used as a credit against the taxpayer's income tax liability in subsequent years until exhausted.

Purpose of Form

Use Form N-348 to figure and claim the capital infrastructure tax credit under Act 200.

Who May Claim the Credit

This credit may be claimed by a qualified infrastructure tenant which is defined as a business:

- (1) That owned capital or property or maintained an office, operations, or facilities at the former Kapalama military reservation site on July 1, 2014,
- (2) Whose principal business is maritime, waterfront dependent, and included under the State's plan to relocate the business to piers 24 through 28 within Honolulu Harbor, and
- (3) Who has or will be displaced and relocated by the State pursuant to the Kapalama container terminal project.

In the case of a partnership, S corporation, estate, or trust, the tax credit allowable shall be determined at the entity level. Distribution and share of the credit may be determined without regard to the partners', S corporation shareholders', or beneficiaries' proportionate interests in the partnership, S corporation, estate, or trust.

When the Credit May Not Be Claimed

This credit may not be claimed if any of the following apply to your tax situation:

- (1) You are claiming the Ethanol Facility Tax Credit for the same tax year.
- (2) The capital infrastructure costs are used to claim another credit.
- (3) For fiscal year taxpayers, capital infrastructure costs paid or incurred in the 2014 calendar year for the 2013 tax year do not qualify for this credit.

What Forms to File

To claim this credit, you will need to attach and file the following forms with your Hawaii income tax or franchise tax return:

- (1) Form N-348
- (2) Schedule CR (Not required for Form N-40 or Form F-1 filers)
- (3) Schedule K-1 (Required only if you are receiving this credit from a flow-through entity)

Even if you are not able to use this credit because your tax liability on line 11 is zero, file the forms listed above with your Hawaii tax return to claim and carryover your unused credit. If the forms are not attached, then no claim for the credit has been made, and you will lose the carryover of your unused credit.

Information for Flow-Through Entities

If you are a flow-through entity that is allocating this credit to your partners, shareholders, or beneficiaries, complete Parts I, II (if applicable), and Part V of Form N-348 and attach it to your Hawaii income tax return. Then enter the total capital infrastructure tax credit on the applicable line of your Hawaii income tax return (see the Hawaii income tax return instructions for more information). Prepare and provide Schedule K-1 reporting the distributive share of the capital infrastructure tax credit for each partner, shareholder, or beneficiary.

Deadline for Claiming the Credit

Claims for the credit, including any amended claims, must be filed on or before the end of the twelfth month after the close of your taxable year. Failure to properly claim the credit shall constitute a waiver of the right to claim the credit.

Recapture of the Tax Credit

Any credit claimed shall be recaptured following the close of the taxable year for which the credit is claimed if within three years:

- (1) The qualified infrastructure tenant fails to continue the line of business it conducted as of July 1, 2014; or
- (2) The interest in the qualified infrastructure tenant, whether in whole or in part, has been sold, exchanged, withdrawn, or otherwise disposed of by the taxpayer claiming a credit.

The recapture shall be equal to 100% of the amount of the total tax credit claimed in the preceding five taxable years, and shall be added to the taxpayer's tax liability for the taxable year in which the recapture occurs.

SPECIFIC INSTRUCTIONS

Note: If you are only claiming your share of the capital infrastructure tax credit from a partnership, S corporation, estate, or trust, skip lines 1 through 5 and start on line 6.

Part I, Qualified Infrastructure Tenant and Qualifying Costs

Line 1 — Answer the questions to determine whether you meet the definition of a qualified infrastructure tenant. If you are not a qualified infrastructure tenant, you **cannot** claim this credit.

Line 2 — Enter the amount of your capital infrastructure costs paid or incurred during the taxable year. "Capital infrastructure costs" means capital expenditures, as used in Internal Revenue Code section 263 and the regulations promulgated thereunder; provided that the capital expenditures are for real property and fixtures that are paid or incurred in connection with the displaced tenant's move of the tenant's current active trade or business to the tenant's new location; provided further that the capital infrastructure costs shall not include amounts for which another credit is claimed.

Part II, Tax Credit Received from a Flow-Through Entity

Line 6 — If you are claiming your share of the capital infrastructure tax credit from a partnership, S corporation, estate, or trust, then enter the amount here. Also enter the name and federal employer identification number of any flow-through entity who has passed the tax credit through to you. If additional space is needed, include the information on an attached schedule.

Part III, Allowable Tax Credit for 2014 and Carryover Computation

Line 8 — Add lines 5 and 6. This is your tentative current year capital infrastructure tax credit.

Form N-20 filers, enter the amount on line 8 on Form N-20, Schedule K; skip lines 9 through 13; and continue to Part V. Form N-35 filers, enter the amount on line 8 on Form N-35, Schedule K; skip lines 9 through 13; and continue to Part V. Form N-40 filers, enter the distributive share amount on Form N-40, Schedule K-1, for each beneficiary, otherwise, continue to line 9. All others, continue to line 9.

Line 10 — The law requires that ALL other credits offset a taxpayer's tax liability BEFORE allowing a capital infrastructure tax credit. If you are claiming other nonrefundable credits, complete the **Credit Worksheet** on page 2 of these instructions and enter the result on line 10. If you are not claiming other nonrefundable credits, enter zero.

Part V, Flow-Through Entities Allocating the Credit to its Partners, Shareholders, or Beneficiaries

Line 1 — Enter the amount from Part III, line 8, to be distributed to partners, S corporation shareholders, or beneficiaries.

Line 2 — Column (b) — Partner, S corporation shareholder, or beneficiary's name and address.

Column (c) — Partner, S corporation shareholder, or beneficiary's identifying number. For each partner, S corporation shareholder, or beneficiary, enter the social security number (SSN) for individuals, or the federal employer identification number (FEIN) for all other entities. For those partners, S corporation shareholders, or beneficiaries who file a joint return, enter the spouse's SSN.

Column (d) — Amount of the capital infrastructure tax credit allocated to partner, S corporation shareholder, or beneficiary.

Line 3 — If you are allocating the capital infrastructure tax credit to more than 24 partners, S corporation shareholders, or beneficiaries, list the additional partners, S corporation shareholders, or beneficiaries on an attached sheet

that follows the format of line 2. Enter on line 3 the total from the attached sheet(s).

Line 4 — Total the amounts in line 2, column (d), and line 3. This amount must equal the amount entered in Part V, line 1.

CAPITAL INFRASTRUCTURE TAX CREDIT WORKSHEET	
Tax Credit	Amount
a. Income Taxes Paid to Another State or Foreign Country	_____
b. Enterprise Zone Tax Credit	_____
c. Carryover of the Energy Conservation Tax Credit.....	_____
d. Credit for Employment of Vocational Rehabilitation Referrals	_____
e. Carryover of the Individual Development Account Contribution Tax Credit	_____
f. Credit for School Repair and Maintenance	_____
g. Carryover of the Renewable Energy Technologies Income Tax Credit (For Systems Installed and Placed In Service Before July 1, 2009)	_____
h. Renewable Energy Technologies Income Tax Credit (Nonrefundable) ..	_____
i. Low-Income Housing Tax Credit	_____
j. High Technology Business Investment Tax Credit	_____
k. Carryover of the Technology Infrastructure Renovation Tax Credit..	_____
l. Carryover of the Residential Construction and Remodeling Tax Credit.....	_____
m. Carryover of the Hotel Construction and Remodeling Tax Credit.....	_____
n. Add lines a through m. Enter the amount here and on Part III, line 10.....	=====